

DEAV1999/L060 US NP2
Application No. 10/691,624

PATENT

Remarks/Arguments

Upon entry of the foregoing amendments, Claims 1 to 8, 11 to 14 and 18 to 26 will be pending in this patent application. Claims 1 to 6, 11 to 14 and 18 to 25 have been amended, without prejudice. Claims 9, 10 and 15 to 17 have been canceled. In view of the foregoing amendments and the following remarks, reconsideration and withdrawal of the rejections are respectfully requested.

The Examiner has requested Applicants to delete non-elected subject matter remaining in the claims, namely the definition of R3 and R4 as forming a ring with the nitrogen attached thereto. Applicants have complied with this request and, therefore, submit respectfully that the objection is now moot.

The Examiner also requests Applicants to identify the difference between certain claims to underscore the fact that the claims are not duplicative. Applicants respectfully note that none of the presently pending claims are duplicative. In this regard, for example, the definitions of R(16) and R(19) vary between Claim 2 and Claim 1 and the definitions of R(2), R(15), R(17) and R(20) vary between Claims 1 and 2 and Claims 3, 4, 18 and 19.

Discussion of the Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 9 and 15 to 17 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement with regard to the terms "beta-blockers", "IKr channel blockers" and "IKs channel blockers". Claim 9 further stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement as such claim is not directed to an identifiable disorder or pathology. Although Applicants disagree respectfully with the above-detailed rejections, Applicants have nonetheless canceled Claims 9 and 15 to 17, without prejudice, in order to further prosecution of this patent application.

Discussion of the Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 10 to 13 and 26 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention with regard to the term "therapy". Claim 10 further stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite with regard to the term "action potential prolongation". Although Applicants disagree respectfully with the above-detailed rejections, Applicants have nonetheless canceled Claim 10, without prejudice, and amended Claims 11 to 13 to replace the term "therapy" with the term "treatment" in order to further prosecution of this patent application. Applicants note that

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Claim 26 does not contain either of the above terms; accordingly, this rejection is traversed with regard to Claim 26.

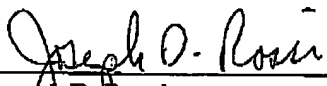
Conclusion

The foregoing is submitted as a full and complete response to the Action mailed on October 17, 2005 and the allowance of all claims is respectfully requested. If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (908) 231-3410.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. 18-1982 in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,

Dated: January 17, 2006



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